

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 18-20128

v.

Hon. STEPHEN J. MURPHY

D-2 ARTHUR SIMPATICO

Defendant.

/

**Government's Supplemental Memorandum and Reply**

In light of Simpatico's Canadian citizenship, there are a few differences in the ways that he will serve his sentence. Because Simpatico makes certain arguments about the sex offender registry as well as his release date that do not take into account these differences, the Government seeks to clarify a few points in advance of the hearing. First, Simpatico will be able to petition to transfer his custodial sentence to Canada after serving 15 years in the United States. After he transfers his sentence, Canada's prison system allows his early release for good behavior. In other words, regardless of the length of the sentence imposed, Simpatico can petition for a transfer that may result in his release soon after the transfer takes place. To give the Court an idea of how the Canadian system is different, if the day after the Court imposed

sentence Simpatico was able to transfer to Canada, regardless of the length of sentence imposed, he could request release after serving just seven years there.

Second, Simpatico will not have to register as a sex offender in the United States. The Canadian sex offender registry works very differently. The information on the registry is not accessible to the public; it is known only to law enforcement. Moreover, the United States requires a different length of registration than Canada does for most offenses, and Canadians can request early termination of their registration requirements. Similarly, because he is a Canadian citizen, Simpatico will not serve out a term of supervised release with all the conditions imposed on the other United States defendants.

Simpatico has not been candid with either Dr. Sugrue or his attorney. Indeed, nearly all of the statements in “the nature and circumstances of the offense” section of his memorandum are untrue. (Def. Mem. at 11-12). Simpatico did target prepubescent girls (including infants/toddlers) and had videos of them on his devices. Simpatico was mean, uncaring, and terrible to the girls he targeted. He called girls “weirdo” and “fatties” and joked about a girl with a “crack whore mom” who he wished would “move to a residence where there is a cam so [she could] bate for us again.” Simpatico did target extremely vulnerable victims. *See* Govt. Exs. E, F, G, H, I, J. In fact, he is active in every transcript the Government attached to its

memorandum. Simpatico did distribute and deal in the videos he recorded. He was one of the few in the group who did so and did so repeatedly.

Even with the inaccurate information Simpatico provided to Dr. Sugrue, he was evaluated as a medium risk for recidivism and a moderate need for intervention and treatment. Rept. at 15, 17.

The Government will explain at sentencing how the STATIC-99R test conducted by Dr. Sugrue has a computation error (and this is true for each defendant he evaluated in this case) based on a fact that Dr. Sugrue was likely unaware of. This error causes an additional point for each score, and this one point potentially dramatically changes the risk-levels associated with the defendants.

Respectfully submitted,

MATTHEW SCHNEIDER  
United States Attorney

s/April N. Russo  
April N. Russo  
Kevin M. Mulcahy  
Assistant United States Attorneys  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226  
E-Mail: april.russo@usdoj.gov

Dated: December 3, 2018

### Certificate of Service

I hereby certify that on December 3, 2018, I electronically filed the Government's Supplemental Sentencing Memorandum for the United States with the Clerk of the Court of the Eastern District of Michigan using the ECF system, which will send notification of such filing to all counsel of record.

s/April N. Russo  
April N. Russo  
Assistant United States Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226  
Phone: (313) 226-9129  
E-Mail: april.russo@usdoj.gov

